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NO. 88-1204

IN THE

Supreme Court of the United States

OCTOBER TERM, 1988

ALFRED AVINS, NORTHERN VIRGINIA LAW SCHOOL,
Petitioners,

v.

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA, *et al.*,
Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF VIRGINIA

RESPONDENTS' BRIEF IN OPPOSITION

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QUESTION PRESENTED

Did the State Council of Higher Education for Virginia abuse its discretion or act outside the scope of its statutory authority when it declined to grant the Northern Virginia Law School an additional period of limited provisional approval, beyond the nearly four and one-half years previously granted, to confer the Juris Doctor degree in Virginia?

LIST OF PARTIES

The petitioners in this Court and the appellants below: Alfred Avins and Northern Virginia Law School. The respondents in this Court, and appellees below: the State Council of Higher Education for Virginia, and the individual members of the Council, Stanley E. Harrison, Joan S. Jones, William C. Battle, Robert L. Burrus, Jr., Whittington W. Clement, Bernard J. Haggarty, Ruby G. Martin, Hugh L. Patterson, Abe J. Spero, William B. Spong, Jr., and Stephen J. Wright. Also an appellee below: Attorney General of Virginia Mary Sue Terry.

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STATEMENT OF THE CASE

The State Council of Higher Education for Virginia ("the Council") is a permanent collegial body within the executive branch of Virginia state government. Va. Code § 2.1-1.7. By statute it is empowered to regulate, *inter alia*, the conferral of degrees by institutions of higher education in Virginia. Va. Code § 23-267. Pursuant thereto, on April 7, 1982, the Council initially granted the Northern Virginia Law School ("NVLS") limited provisional approval to confer the J.D. degree for a period ending April 30, 1984. This provisional approval was explicitly contingent upon NVLS making "satisfactory progress" toward receiving accreditation from a recognized accrediting body on or before April 30, 1984. (Appendix 1, pp. 1a-1d.) Twice, at the request of NVLS, the Council extended NVLS's period of limited provisional approval: first on April 4, 1984, then on May 1, 1985. Each such extension was expressly contingent upon NVLS making "satisfactory progress" toward accreditation.

On June 4, 1986, the Council responded to NVLS's request for yet another extension of limited provisional approval by deferring action in order to allow NVLS to obtain a decision on its current accreditation

request then before the Southern Association of Colleges and Schools ("SACS").[1] On June 24, 1986, SACS denied NVLS's request that it appoint a candidate committee to visit the school, a necessary first step to accreditation by SACS. This was the fifth such denial in three years by SACS. On August 6, 1986, the Council denied NVLS's request for a further period of provisional approval because NVLS had failed to comply with the Council's directive "that the institution make satisfactory progress toward achieving full accreditation from an accrediting body recognized by the U.S. Department of Education and which this Council finds to be an appropriate body." (Appendix 2, pp. 1e-1f.)

NVLS sought and obtained an administrative hearing on the Council's decision pursuant to Va. Code § 9-6.14:12. The hearing resulted in the final decision of the Council which is attached. (Appendix 3, pp. 1g-1h.) NVLS then filed suit in the Circuit Court of the City of Alexandria alleging imperfections in the administrative procedure and, for the first time, constitutional violations. The constitutional arguments first made at this point included allegations of political motivations of the Council members and the Attorney General of Virginia, all of whom were alleged to be "liberal democrats." No facts supporting these allegations of political motivation was, or ever has been, presented by NVLS or Avins. The Circuit Court of Alexandria dismissed NVLS's constitutional claims on August 11, 1988, and on the same date remanded to the Council the issue of whether the Council had allowed NVLS reasonable time to become accredited. On August 18, 1988, the Council took further evidence and reaffirmed its earlier decision following a review of the time allowed other institutions to become accredited. (Appendix 4, pp. 1i-1o.)

Following the circuit court's decision, Avins and NVLS filed concurrent appeals in the Virginia Court of Appeals and the Supreme Court of Virginia[2] and, while these appeals were pending, filed suit in the United States District Court in Alexandria raising the same issues previously raised in the Circuit Court of Alexandria and on appeal to Virginia's two appellate courts. The district court dismissed NVLS's suit on abstention grounds, and NVLS appealed this decision to the

---

[1] NVLS chose to apply exclusively to SACS for accreditation even though the American Bar Association is generally looked to for such accreditation decisions, and even though graduates of non-ABA-accredited law schools are not eligible to sit for the bar examination in Virginia. The choice of an accrediting body was NVLS's alone.

[2] The Virginia Court of Appeals has jurisdiction over appeals from administrative agencies. Va. Code § 17-116.05(1). The Supreme Court of Virginia has jurisdiction over claims involving the constitutionality of Virginia statutes. NVLS and Avins chose to file concurrent appeals, raising all issues, in each court.

United States Court of Appeals for the Fourth Circuit, where it is presently pending.

On November 22, 1988, the Supreme Court of Virginia denied NVLS's petition for appeal. On January 23, 1989, NVLS filed its petition for writ of certiorari in this Court. As of this date appeals raising the identical issues that NVLS seeks to have this Court hear are pending in the Virginia Court of Appeals and the Fourth Circuit.

REASONS FOR DENYING WRIT

Review on writ of certiorari "will be granted only when there are special and important reasons therefor." Rule 17, Rules of United States Supreme Court. There are no such reasons here. Also, with two appeals currently pending, one each in the federal and state court systems, this case is premature for hearing by this Court even if it did raise substantial constitutional questions.

On the merits, throughout this litigation NVLS and Avins have repeatedly attempted to characterize this as a First Amendment case. It is not. Rather it is a straighforward case of legitimate governmental regulation. The Council has not told NVLS what it can or cannot teach, nor has it told Avins what he can or cannot say. Instead, following more than ample time for NVLS to gain requisite accreditation by any recognized accrediting body, the Council has responsibly declined to allow NVLS to continue conferring the J.D. degree while seeking that accreditation. While structuring its decision to allow reasonable provision for students in attendance, the Council has decided that NVLS should "get its house in order" first, and *then* reapply for authority to confer the J.D. degree. (Appendix 2, pp. 1e-1f.)

NVLS contends that this regulatory action by the Council is repugnant to the First Amendment. Such an argument, logically extended, must be that everyone has the absolute, unregulated power to bestow degrees evidencing higher educational achievement. This obviously makes a farce of any rational scheme of regulation of the conferral of academic degrees. *Shelton College v. State Board of Education*, 48 N.J. 501, 509, 266 A.2d 612, 616 (1967). *See also, New Jersey State Board of Education v. Board of Directors of Shelton College*, 90 N.J. 470, 448 A.2d 988 (1982); *State ex rel. McLemore v. Clarksville School of Theology*, 636 S.W.2d 706 (Tenn. 1982). For the Council to have permitted NVLS additional time to confer degrees would have been irresponsible given the action of SACS in declining even to review the institution for

accreditation, and the absence of any positive step toward accreditation over more than four years.

Not only did the Council's actions in this case not infringe the First Amendment rights of NVLS and Avins, those actions were totally consistent with the Council's statutory powers. Those powers include the authority to approve the conferral of certain degrees by institutions of higher education in Virginia. Va. Code § 23-267. They also include the authority to "grant provisional approval to an institution to confer degrees at a specified level or in specified program areas at a particular degree level." Va. Code § 23-269B. Only "when the institution has obtained accreditation from an appropriate regional or professtional accrediting organization," may the Council grant full approval to confer degrees. *Id.* Conversely, where, as here, the Council has estblished the period for which approval has been granted and specified conditions under which it is granted, failure to meet the specified conditions before the period of provisional approval expires automatically results in the termination of the provisional approval. This is all that happened here.

A second reason why this Court should deny a writ in this case is because the identical issues that this Court is being asked to address are currently pending before the Fourth Circuit Court of Appeals, and the Virginia Court of Appeals. While this Court may, in extraordinary circumstances, choose to hear a case under these circumstances,[3] no such circumstances exist here.

---

[3] 28 U.S.C. § 2101(e) states that an application for a writ to review a case before judgment has been rendered in the court of appeals may be made at any time before judgment. But a writ will be granted in such circumstances "only upon a showing that the case is of such imperative public importance to justify the deviation from normal appellate practice and to require immediate settlement in this Court." Rule 18, Rules of U.S. Supreme Court.

CONCLUSION

Because the Councils's actions were explicitly authorized by Virginia law and did not contravene the First or Fourteenth Amendments of the United States Constitution, and further because the issues raised are now pending before two lower appellate courts, this Court should deny the petition for writ of certiorari.

Respectfully submitted,

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APPENDIX

RESPONDENTS'
APPENDIX
1

April 8, 1982

Dr. Alfred Avins
Acting Dean
Northern Virginia Law School
P. O. Box 1343
Alexandria, Virginia 22313

Dear Dr. Avins:

I am pleased to inform you that the Council of Higher Education took the following action at its April 7, 1982 meeting:

> RESOLVED: The State Council of Higher Education grants Northern Virginia Law School provisional approval to confer the Juris Doctor Degree for a period of two years, ending April 30, 1984, with the following stipulations:
>
> 1. That the institution initiate the following actions in order to comply completely with the Council's standards for institutional approval:
>
> (a) Establish and publish its criteria for, and schedule of, refunds of tuition and fees.
>
> (b) Review each current student's record to ensure that it contains, at a minimum, a complete application for admission, an official report of the student's score on the LSAT, a current transcript of the student's academic progress, and the student's current address and telephone number.
>
> (c) Develop immediately and implement a records management plan that provides for the more efficient maintenance, retrieval, and periodic purging of student records.

(d) Implement *immediately* a plan for curriculum development and evaluation so as to ensure that the core faculty are actively involved in this function.

(e) At the beginning of each term, give each student a written schedule of times when each instructor may be contacted either in person or by telephone for academc advising.

(f) Develop and implement a process which provides for periodic review of the institution's financial condition by the Board of Directors, so as to ensure sound business and financial management.

(g) Obtain an independent audit of its financial records for Fiscal Year 1982, and request a management letter based on the audit.

(h) Establish *immediately* and maintain a system of personnel records which includes, at a minimum, certified transcripts or official indicia of award of the highest academic credential held by each instructional faculty member.

(i) Develop *immediately* a plan for the continuous acquisition of supplements and update volumes for its serial sets and reporter series, and include funds in future budgets for their acquisition.

(j) Consolidate the library materials now in storage with the basic collection now available on site within one year after either expanding its rented quarters or acquiring a permanent facility.

(k) Add a professional law librarian to the staff by the time that the stored collections are consolidated on site.

(l) Execute a contract or other formal agreement between the Board of Directors and the owner of the library materials now used by the institution, so that the institution is assured of control of the library materials for a specified period of time.

(m) Amend and expand its facilities plan to tie future incremental increases in enrollments to the orderly expansion or replacement of its current quarters, so that the institution's facility contains adequate space.

2. That the institution actively seek accreditation from the American Bar Association or other accrediting body recognized by the U. S. Department of Education or its predecessor agency as the institution may choose.

3. That the period of provisional approval extend for two years, to April 30, 1984, during which time Northern Virginia Law School must make satisfactory progress towards being granted Candidacy Status by a recognized accrediting agency as stated above, and any extensions of provisional approval after that date may be granted only if the institution has reasonable prospects of gaining full accreditation during the period covered by such extensions.

In granting provisional approval to Northern Virginia Law School, subject to these stipulations, the Council noted that the report of its Site Visit Committee contains other recommendations that merit consideration by the institution.

Please note that the first stipulation requires several actions which must be implemented immediately. When these actions are

completed, please notify Dr. John E. Molnar of the Council staff. He will also be contacting you from time to time during the period of provisional approval to ascertain the institution's progress towards achieving accreditation as required by the second stipulation.

If the Council staff can be of assistance at any time, I hope that you will not hesitate to call upon us.

Sincerely,

/s/ Gordon K. Davies
Director

GKD/bct

RESPONDENTS'
APPENDIX
2

August 6, 1986

Dr. Alfred Avins
Acting Dean
Northern Virginia Law School
P. O. Box 2532
Washington, DC 20013

Dear Dr. Avins:

At its meeting today, the Council of Higher Education took the following action:

> RESOLVED: The Council of Higher Education denies the request of Northern Virginia Law School for an extension of limited provisional approval to confer the Juris Doctor (J. D.) degree for failure to comply with the stipulation in the Council's approval resolutions of April 7, 1982, April 5, 1984, and May 1, 1985, that the instituion make satisfactory progress towards achieving full accreditation from an accrediting body recognized by the U. S. Department of Education, and which this Council finds to be an appropriate accrediting body.
>
> The Council hereby authorizes Northern Virginia Law School to offer the courses necessary to enable students who were enrolled prior to June 1, 1986, to complete the requirements for the Juris Doctor degree and to award the Juris Doctor degree to those students who satisfactorily complete the program, subject to the following stipulations:
>
> 1. the institution must provide a written commitment to the Council that it will continue to provide at least the current level of faculty and resources to support the courses;
>
> 2. the institution must agree to assist students who wish to transfer to other institutions;

3. the institution will not enroll any new students in the degree courses; and

4. for this authorization to become effective, the institution must agree, in writing, to the stipulations noted above by August 22, 1986.

Given the Council's action, Northern Virginia Law School presently lacks authority to confer the Juris Doctor degree and cannot offer courses or programs for degree credit.

Section 23-271 of the Council's regulations provides an opportunity for the institution to appeal the Council's action. If Northern Virginia Law School wishes to make either an informal appeal to the Council in accordance with Section 9-6.14:11 of the *Code of Virginia* or a formal appeal before a hearing officer in accordance with Section 9-6.14:12 of the *Code*, I ask that you so notify me in writing within ten days of receipt of this letter as required by Section 23-271.B.1. of the Council's regulations.

Sincerely,

/s/ Gordon K. Davies

RESPONDENTS'
APPENDIX
3

RE: Northern Virginia Law School

Resolved: The State Council of Higher Education for Virginia, having received and reviewed the report of the hearing officer, dated July 31, 1987, on the formal appeal of Northern Virginia Law School from the resolution of the Council on August 6, 1986, such appeal being heard by the hearing officer in proceedings conducted February 27, 1987, in accordance with Section 23-271.B of the Council's Regulations Governing the approval of Certain Institutions to Confer Degrees, Diplomas and Certificates (adopted July 1, 1980), determines that it is in the public interest not to accept the recommendation of the hearing officer to grant an additional extension of provisional approval to the instituion to confer the Juris Doctor (J. D.) degree in the Commonwealth. Accordingly, the resolution of the Council of Higher Education August 6, 1986, is affirmed.

On the basis of the record, the Council finds and so determines that: the institution has been on notice since at least October 1980 that it must gain requisite accreditation with an accrediting body recognized by the United States Department of Education; the Council, in accordance with subsection B of Section 23-269 of the Code of Virginia and Section 23-269.B.3, of its 1980 regulations, stipulated in its initial grant of provisional approval dated April 7, 1982, and in subsequent extensions of provisional approval dated April 5, 1984, and May 1, 1985, that the institution must make satisfactory progress toward gaining accreditation with a recognized accrediting body; and the institution has not obtained requisite accreditation from any recognized accrediting body, notwithstanding two extensions of provisional approval from the Council to assist it in this regard. The Council accordingly determines that the institution already has been granted more than reasonable time and opportunity to gain accreditation.

The Council also determines that the record fails to establish that the institution has taken reasonable and timely steps to gain the requisite accreditation. In addition, the institution has not presented to the Council adequate evidence that its appointment of a full-time faculty member, as established in its letter of May 16, 1987, attached to the hearing officer's report, satisfies the criteria for appointing a Candidate Committee

or that the institution has the minimum four full-time faculty appointments required for the accreditation of a graduate-level institution.

The Council authorizes the institution to offer the courses necessary to enable students who were enrolled prior to June 1, 1986, to complete the requirements for the Juris Doctor degree and to award the degree to those who complete the program, provided the institution complies with the three stipulations set forth in the said August 6, 1986, resolution of the Council.

The foregoing constitutes the final action of the Council on this appeal in accordance with Section 23-271.B. of the 1980 approval regulations. This action shall not prejudice the institution if it chooses to file a new application for approval to confer degrees in accordance with Council regulations applicable at the time of such filing.

RESPONDENTS' APPENDIX 4

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA RESOLUTION REGARDING THE NORTHERN VIRGINIA LAW SCHOOL

Whereas, by memorandum opinion dated July 14, 1988, the Circuit Court of the City of Alexandria has remanded to the Council the administrative appeal of the Northern Virginia Law School, and has limited that remand to one issue: articulation by the Council of the objective basis for its final determination of October 20, 1987 that Northern Virginia Law School failed to make satisfactory progress to becoming accredited; and

Whereas, the Council hereby respectfully responds to the Court's remand in articulating the basis for its final determination. The Council maintains that said determination was not capricious, but was reasonably based upon, and consistent with, like treatment accorded all similarly situated institutions since July 1, 1970, the date the Council was authorized by the General Assembly to approve the conferral of degrees by private institutions of higher education in Virginia; and

Whereas, the Council has reviewed its actions relating to the approval of the conferring of degrees for the period specified above and noted the following:

(1) Since July 1, 1970, the Council has granted provisional approval to confer degrees for the first time to fifteen private institutions, which includes Northern Virginia Law School (see attached table). Eleven of these gained Candidate for Accreditation status in less than five years (60 months) after receiving provisional approval. None of these institutions, from the grant of candidacy status, took longer than five years to obtain full accreditation. Moreover, during their period of provisional approval, none were denied candidacy status or were declined review by the accreditating body for failure to meet its standards.

(2) With respect to the remaining four institutions:

(a) The National Graduate University's provisional approval to confer degrees was revoked after twenty-four months by the Council following a denial of Candidate for Accreditation status by the Southern Association of Colleges and Schools (SACS).

(b) The provisional approval (58 months) of Notre Dame Apostolic Catechetical Institute expired without further extension by the

Council. During its provisional approval, the institution was actively satisfying SACS' critria for accreditation; there was no denial by the accrediting body to appoint a candidate committee to review accreditation eligibility. Unlike the Northern Virginia Law School, Notre Dame Apostolic Catechetical Institute reapplied for provisional approval under the Council's current regulations. Upon this application and determination of its meeting all of the Council's criteria under the new regulations, Notre Dame Apostolic Catechetical Institute was granted a new three-year term of provisional approval during which it must obtain Candidate for Accreditation status. In June 1988, SACS in fact appointed a candidacy committee for the institution. Unlike Northern Virginia Law School, the Institute positively responded to SACS' criteria requiring full-time faculty appointments.

(c) The Virginia College received provisional approval to confer degrees in September 1985, and has its application for accreditation with the Association of Independent Colleges and Schools (AICS) pending and active. The Virginia College has not been denied accreditation review by AICS and is satisfying all criteria of the AICS to the knowledge of the Council.

(d) The Northern Virginia Law School's provisional approval was not extended by the Council following SACS' fifth denial of appointment of a candidate committee (the first step towards evaluation of eligibility of an institution for Candidate for Accreditation status under SACS criteria). Despite being provided more than adequate time (52 months), the law school failed not only to appoint the single full-time faculty member necessary for the appointment of a candidate committee by SACS, it also failed to address the requirement of four full-time faculty imposed by SACS for Candidate for Accreditation status.

(3) Only two of the said fifteen private institutions were granted longer periods to gain Candidate for Accreditation status than the Northern Virginia Law School. Of these, the Eastern Virginia Medical Authority held provisional approval for 58 months while successfully moving to SACS Candidate for Accreditation status, having satisfied the minimum faculty hiring criteria. During this period of provisional approval, the institution only offered its programs jointly with accredited and prestigious institutions: the College of William and Mary, Norfolk State University, and Old Dominion University. The second of these institutions, Notre Dame Apostolic Catechetical Institute, exhibited a record of responsiveness to the suggestions of SACS in establishing full-time faculty positions and has received appointment of a Candidate Committee. Its prospects for full accreditation appear promising. In

neither case was there a denial of accreditation or a record of denials of the appointment of candidate committee.

(4) In addition to being denied a candidacy committee five times in three years by SACS, the Northern Virginia Law School still has offered no evidence that it has hired the four full-time faculty necessary for accreditation. In reality, the law school has made no progress towards SACS accreditation by declining to address this deficiency.

(5) Subsequent to the Council's denial of a further extension of provisional approval to the Northern Virginia Law School, the school suggested to the hearing officer on or about May 8, 1987 that it had identified a faculty member who might qualify for a full-time faculty appointment. This belated discovery demonstrates no positive effort on behalf of Northern Virginia Law School to meet SACS' criteria and still fails to meet the requirement of four full-time faculty members required by SACS for accreditation. In addition, this belated discovery in May 1987 occurred ten months after the Council's denial and 62 months after the institution had received its initial provisional approval from the Council to confer degrees. To this date and despite five applications to SACS, there has been no change of position by SACS regarding Northern Virginia Law School's eligibility for accreditation.

(6) The private institutions that have achieved candidacy status after a period of provisional approval (CBN University, Christendom College, Eastern Virginia Medical Authority, Liberty University, Notre Dame Apostolic Catechetical Institute, and Virginia Wesleyan College) held approval for an average of 41 months.

(7) Based upon the objective record of private institutions seeking accreditation while provisionally approved to confer degrees, the Council revised its regulations, effective August 1, 1987, to limit successive terms of provisional approval during which institutions must gain Candidate for Accreditation Status and full accreditation, respectively, to a maximum of five years for each term. Moreover, each provisionally approved institution that had not received candidacy for accreditation status by the effective date of the new regulations must reapply for a new three-year term of approval when its current term expires.

(8) Pursuant to the new regulations, any institution whose approval is denied or revoked by the Council may submit a new application for approval at any time.

NOW, THEREFORE, the State Council of Higher Education for Virginia, in accordance with the Court's remand, hereby articulates the objective bases for its determination that Northern Virginia Law School failed to make satisfactory progress towards accreditation. The bases

were: (1) the extended period of time previously granted the institution to gain accreditation, (2) the failure of the institution to satisfy the criteria of the accrediting body, specifically the lack of any affirmative effort to have in place within an extended period of provisional approval the requisite faculty appointments for accreditation by SACS, (3) and importantly, the accrediting body's record of refusal to review the Law School for accreditation during its period of provisional approval. The Council maintains that the foregoing is also consistent with the treatment accorded all comparable institutions in the Commonwealth.

The Council directs that the Law School be promptly notified in writing of the foregoing.

ACCREDITATION STATUS OF VIRGINIA PRIVATE INSTITUTIONS THAT HAVE RECEIVED APPROVAL FROM THE COUNCIL OF HIGHER EDUCATION TO CONFER DEGREES, July 1, 1970 - August 31, 1988

Institution Seeking Initial Accreditation	Degree Level	Recognized Accrediting Body	Provisional Approval Granted By Council	Candidacy			Full Accreditation Granted
				Months As Applicant	Candidacy Granted	Months Held	
CBN University	Master's	SACS	Aug. 1979	41	Dec. 84	24	Dec. 84
CHRV College Health Sciences	Associate	SACS	May 1985		——	18	Dec. 86
Christendom College	Baccalaureate	SACS	June 1980	43	Dec. 83	48	Dec. 87
Commonwealth College (Hampton)	Associate	AICS	June 1987		——	1	July 87
Commonwealth College (Norfolk)	Associate	AICS	June 1987		——	1	July 87
Commonwealth College (Va. Beach)	Associate	AICS	June 1987		——	1	July 87
Eastern Va. Medical School	First Professional	LCME	May 1974		June 73	34	April 76
Eastern Va. Medical Authority[1]	Masters, Doctoral[1]	SACS	Feb. 1978	58[1]	Dec. 82	24	Dec. 84
Katharine Gibbs School	Associate	AICS	Nov. 1985		——	7	May 86
Liberty University	Baccalaureate	AICS	April 1974	38	June 77	42	Dec. 80
National Graduate University[2]	Master's	(SACS)[2]	Jan. 1980 (Mar. 1983)[2]	24	(Dec. 82)[2] (Denied)[2]		
Northern Virginia Law School[3]	First Professional	(SACS)[3]	Apr. 1982 (Aug. 1986)[3]	52	(Jy. 86)[3] (Denied)[3]		
Notre Dame Apostolic Cat. Inst.[4]	Master's	(SACS)[4]	July 1983 May 1988[4]	58 4			
Virginia College	Associate	(AICS)	Sept. 1985	35			
Virginia Wesleyan College	Baccalaureate	SACS	May 1969	7	Dec. 69	12	Dec. 70

[1]All degrees offered by Eastern Virginia Medical Authority are joint programs with either the College of William and Mary, Norfolk State University, or Old Dominion University, all of which are fully accredited by the Southern Association of Colleges and Schools. This relationship complicated the institutions's application for SACS accreditation and resulted in a protracted review process before Candidacy Status was granted.

[2]National Graduate University applied for SACS accreditation, received a Candidate Committee site visit, and was denied Candidate for Accreditation status in December 1982. The Council then revoked the insitution's provisional approval to confer degrees in March 1983.

[3]Northern Virginia Law School repeatedly applied to SACS for accreditation but was denied appointment of a Candidate Committee. After the fifth denial by SACS within a three-year period, the Council in August 1986 denied the institution any further extension of provisional approval for failure to maintain satisfactory progress towards gaining accreditation.

[4]Notre Dame Apostolic Catechetical Institute, having received two extensions of its initial term of provisional approval, reapplied for a new term in accordance with the Council's revised approval regulation (1987). The institution also responded to guidance from SACS in establishing full-time faculty positions, and in June 1988 received both a new term of provisional approval from the Council and appointment of a Candidate Committee by SACS.